UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,940	12/13/2001	Katsuhito Kitahara	P6397a	3867

20178   7590   06/04/2007
EPSON RESEARCH AND DEVELOPMENT INC
INTELLECTUAL PROPERTY DEPT
2580 ORCHARD PARKWAY, SUITE 225
SAN JOSE, CA 95131

EXAMINER
GRANT II, JEROME

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
06/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/016,940	KITAHARA ET AL.	
Office Action Summary	Examiner	Art Unit	
	Jerome Grant II	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 March 2007*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8,10-17 and 19-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *10-17* is/are allowed.

6) ☒ Claim(s) *1-8,19-22 and 25* is/are rejected.

7) ☒ Claim(s) *23, 24, 26* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

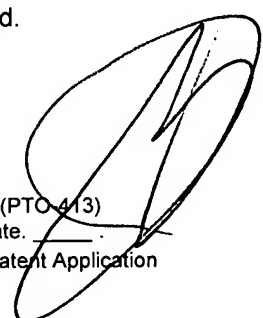11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action   :

1.   Claims 9 and 18 are cancelled.

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claims 1-7, 20-22 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by

Matoba (2002/0048034)

With respect to claim 1, Matoba teaches a method for storing print data in non-

volatile storage in a target printer, comprising:

A step for creating the print data (via element 6); a step for creating a command data

(command data is created by host computer 1) set for storing the print data in the

storage(receiver buffer element 3 of printer 2) in the target printer 2 (see para. 223 and

234); a step of creating a data file containing both the print and command data set (via

analyzing portion 4 shown by figure 1) and file output step(administrative portion 9) for

storing the data storage file (transmission buffer) in a data storage medium readable by

a host device (1) or for sending the image data storage file to the host via the

communication path shown by figure 1.

Matoba teaches wherein the print data is stored in non-volatile storage in the target

printer 2 in accordance with the command data set upon the host device (command

data from the host device, see para. 224 and 247).

With respect to claim 2, Matoba teaches wherein the command data set (control

commands see para. 223) includes a data storage command set (command ID see

para. 227 lines 3-5) executable by the target printer.

With respect to claims 3 and 7, Matoba teaches wherein the command data set

includes a command set (see paragraphs 223 and 226) executable by the host device

1, see para. 226 for creating data storage command set for storing the print data in the

storage of the printer 2.

With respect to claims 4 and 5, Matoba teaches wherein the command data set

includes a data transmission command set (status response, see para. 227, line 3)

executable by the host device 1 for sending the data storage command set and the print

data to the target printer 2.

With respect to claim 6, Matoba teaches wherein the data transmission command

set comprises parameters (administrative ID for each command according to para.

227).

With respect to claim 20, Matoba teaches an apparatus, shown by figure 1, for

creating a data file and for storing print data to non-volatile storage in a printer 2,

comprising: an editor (element 6) for creating print data; a command data set generator

(host computer 1) for creating a command data set for storing the print data created by

the editor in the printer; a file generator (language analyzer 4) for creating a data

storage file containing both the print data and the command data set by the command

data set generator; and an output device (administrative portion 9) for storing the data

storage file and writing the data storage file to a storage medium via a communication

path.

With respect to claim 21, Matoba teaches   wherein the command data set includes a

command set (see paragraphs 223 and 226) executable by the host device 1, see

para. 226 for creating data storage command set for storing the print data in the storage

of the printer 2.

With respect to claim 22, Matoba teaches wherein the command data set (control

commands see para. 223) includes a data storage command set (command ID see

para. 227 lines 3-5) executable by the target printer. Furthermore, Matoba teaches

wherein the command data set includes a data transmission command set (status

response, see para. 227, line 3) executable by the host device 1 for sending the data

storage command set and the print data to the target printer 2.

With respect to claim 25, Matoba teaches,   wherein the command data set includes

a command set (see paragraphs 223 and 226) executable by the target printer 2

according to para. 234 for creating data storage command set for storing the print data

in the storage of the printer 2.

3.   **Claims Objected**

Claims 23, 24 and 26 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

4.

Claims Allowed

Claims 10-17 and 19 are allowed.

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles, can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II